

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:) NO: 23-42571
) CHAPTER 13
Nicole Vanhook,) Hearing Date: 9/7/2023
) Hearing Time: 11:00 a.m.
Debtor.) Courtroom: 7 North

TRUSTEE'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Comes now Diana S. Daugherty, Standing Chapter 13 Trustee, and states as follows:

1. Schedule A/B appears to significantly understate the fair market value of Debtor's residence at 1500 Bredell Ave., St. Louis, MO 63117. *The Trustee requests that Debtor obtain an appraisal to establish the fair market value of the real property.

a) Schedule A/B states that the fair market value of the real property is \$140,000.

b) At the 8/16/23 meeting of creditors, Debtor testified that she believes the fair market value of the real property is \$180,000 based on a drive by assessment done a year or so ago.

c) The St. Louis County Assessor's 2023 appraised value for the property is \$247,100.

2. The Trustee cannot assert that the plan satisfies the hypothetical chapter 7 liquidation requirement of 11 U.S.C. § 1325(a)(4) without an appraisal establishing the current fair market value of the real property.

3. The plan is ambiguous in that:

- a) Paragraph 3.5(D) calls for a co-debtor to pay two debts that are listed in schedule D as secured by Debtor's residence: a \$10,615 debt to the Division of Employment Security and a \$11,550 debt to the Missouri Dept. of Revenue.
- b) Schedule H lists no co-debtor for either of these secured debts.

4. The Trustee has not received a copy of Debtor's 2022 State income tax return. [Local Rule 1007-4A]

WHEREFORE, the Trustee prays that the Court deny confirmation of Debtor's Chapter 13 Plan; and for such other relief as this Honorable Court deems necessary and just under the circumstances.

Respectfully Submitted,

/s/ Joseph M. Wilson
Diana S. Daugherty
Chapter 13 Trustee
Joseph M. Wilson
FED#51849MO; MO#51849
Attorney For Trustee
P.O. Box 430908
St. Louis, MO 63143
(314) 781-8100
(314) 781-8881 (fax)
E-Mail: trust33@ch13stl.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above Trustee's Objection was filed electronically with the United States Bankruptcy Court on the 17th day of August, 2023, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

The undersigned hereby certifies that the above Trustee's Objection was filed electronically with the United States Bankruptcy Court and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below, on the 17th day of August, 2023:

Nicole Vanhook
1500 Bredell Ave.
St. Louis, MO 63117

/s/ Joseph M. Wilson